

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v -

: 07 Cr.

PATRICK KALONJI,
a/k/a "Patrick Kalonji Ngoyi,"
a/k/a "Patrick Mazimpaka,"
a/k/a "jikalon@yahoo.com,"
a/k/a "nawhichlo@yahoo.com,"

: **07 CRIM. 50**

Defendant.

:

COUNT ONE

(Conspiracy to Commit Wire Fraud and Bank Fraud)

The Grand Jury charges:

PATRICK KALONJI, the Defendant

1. At certain times relevant to this Indictment, PATRICK KALONJI, a/k/a "Patrick Kalonji Ngoyi," a/k/a "Patrick Mazimpaka," a/k/a "jikalon@yahoo.com," a/k/a "nawhichlo@yahoo.com," the defendant, resided in the Republic of Costa Rica, where he was employed in the credit card department of an Internet-based gambling web site known as BetOnSports.com. At other times relevant to this Indictment, KALONJI resided in the vicinity of Toronto, Canada. At all relevant times, KALONJI communicated with coconspirators not named as defendants herein through electronic mail ("e-mail") messages and other means.

UNRECORDED

The Identity Theft Ring

2. From on or about July 23, 2002, through at least on or about August 18, 2004, in the Southern District of New York and elsewhere, PATRICK KALONJI, a/k/a "Patrick Kalonji Ngoyi," a/k/a "Patrick Mazimpaka," a/k/a "jikalon@yahoo.com," a/k/a "nawhichlo@yahoo.com," the defendant, and his coconspirators, participated in an identity theft ring engaged in, among other things, stealing individual victims' personal identity information, sharing that information over the Internet with other members of the identity theft ring, and using the stolen identity information to commit various forms of fraud.

3. As a part of the fraudulent scheme, PATRICK KALONJI, a/k/a "Patrick Kalonji Ngoyi," a/k/a "Patrick Mazimpaka," a/k/a "jikalon@yahoo.com," a/k/a "nawhichlo@yahoo.com," the defendant, and his coconspirators, stole the private identity information of at least approximately 150 victims from, among other places, the credit card department of BetOnSports.com, where KALONJI worked. The private identity information that KALONJI and his coconspirators stole included the victims' names, dates of birth, addresses, mothers' maiden names, social security numbers, telephone numbers, and credit card numbers.

4. As a further part of the fraudulent scheme, PATRICK KALONJI, a/k/a "Patrick Kalonji Ngoyi," a/k/a "Patrick

Mazimpaka," a/k/a "jikalon@yahoo.com," a/k/a "nawhichlo@yahoo.com," the defendant, and his coconspirators, after stealing the victims' identity information, e-mailed that information to other ring members using various e-mail accounts, including "jikalon@yahoo.com" and "nawhichlo@yahoo.com."

5. As a further part of the fraudulent scheme, coconspirators of PATRICK KALONJI, a/k/a "Patrick Kalonji Ngoyi," a/k/a "Patrick Mazimpaka," a/k/a "jikalon@yahoo.com," a/k/a "nawhichlo@yahoo.com," the defendant, used the stolen identity information they received from KALONJI and others to steal money from the victims' credit cards and bank accounts, and to make fraudulent purchases from various vendors, including vendors in the Southern District of New York.

Statutory Allegations

6. From on or about July 23, 2002, through at least on or about August 18, 2004, in the Southern District of New York and elsewhere, PATRICK KALONJI, a/k/a "Patrick Kalonji Ngoyi," a/k/a "Patrick Mazimpaka," a/k/a "jikalon@yahoo.com," a/k/a "nawhichlo@yahoo.com," the defendant, and others known and unknown, unlawfully, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Sections 1343 and 1344 of Title 18, United States Code.

7. It was a part and an object of the conspiracy that

PATRICK KALONJI, a/k/a "Patrick Kalonji Ngoyi," a/k/a "Patrick Mazimpaka," a/k/a "jikalon@yahoo.com," a/k/a "nawhichlo@yahoo.com," the defendant, and his coconspirators, unlawfully, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

8. It was further a part and an object of the conspiracy that PATRICK KALONJI, a/k/a "Patrick Kalonji Ngoyi," a/k/a "Patrick Mazimpaka," a/k/a "jikalon@yahoo.com," a/k/a "nawhichlo@yahoo.com," the defendant, and his coconspirators, unlawfully, willfully and knowingly, would and did execute and attempt to execute a scheme and artifice to defraud financial institutions, the deposits of which were insured by the FDIC, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of such financial institutions, by means of false and fraudulent pretenses, representations and promises, in violation of Title 18, United States Code, Section 1344.

Overt Acts

9. In furtherance of said conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about July 23, 2002, a coconspirator not named as a defendant herein sent an e-mail to another coconspirator not named as a defendant herein in which the sender included two credit card numbers belonging to two individual victims, together with the credit cards' expiration dates and three-digit security codes.

b. On or about January 28, 2003, a coconspirator not named as a defendant herein sent an e-mail to another coconspirator not named as a defendant herein in which the sender included the name, address, and e-mail address of an individual victim, as well as two credit card numbers, together with the credit cards' expiration dates and three-digit security codes.

c. On or about June 23, 2003, a coconspirator not named as a defendant herein sent an e-mail to another coconspirator not named as a defendant herein in which the sender included the name, address, telephone number and three credit card numbers of an individual residing in New Jersey, together with the credit cards' expiration dates and three-digit security codes.

d. On or about June 29, 2003, PATRICK KALONJI, a/k/a "Patrick Kalonji Ngoyi," a/k/a "Patrick Mazimpaka," a/k/a "jikalon@yahoo.com," a/k/a "nawhichlo@yahoo.com," the defendant, sent an e-mail message, from his "jikalon@yahoo.com" e-mail account to the e-mail account of a coconspirator, in which KALONJI forwarded the name, address, telephone number, and credit card number, with expiration date and three-digit security code, of an individual residing in Colorado.

e. On or about October 30, 2003, a coconspirator not named as a defendant herein sent an e-mail to another coconspirator not named as a defendant herein in which the sender included the name, date of birth, address, mother's maiden name, social security number, telephone number, and credit card number of an individual residing in Texas.

f. On or about October 31, 2003, a coconspirator not named as a defendant herein sent an e-mail to another coconspirator not named as a defendant herein in which the sender included names, dates of birth, addresses, mother's maiden names, social security numbers, telephone numbers, and credit card numbers of two individuals residing in California.

g. On or about November 25, 2003, a coconspirator not named as a defendant herein sent an e-mail to another coconspirator not named as a defendant herein in which the sender forwarded identity information pertaining to two

individuals, including the name, date of birth, address, mother's maiden name, social security number, telephone number, and credit card number of an individual residing in Arkansas.

h. On or about December 28, 2003, a coconspirator not named as a defendant herein sent an e-mail to another coconspirator not named as a defendant herein in which the sender included identity information for two individuals, including the victims' names, addresses, telephone numbers, social security numbers, dates of birth and mother's maiden names, as well as credit card numbers belonging to the victims.

i. On or about January 28, 2004, a coconspirator not named as a defendant herein sent an e-mail to another coconspirator not named as a defendant herein in which the sender included the name, address, telephone number, social security number, date of birth and mother's maiden name of an individual residing in California, as well as a credit card number belonging to the victim, with expiration date and three-digit security code.

j. On or about April 8, 2004, KALONJI sent an e-mail, from his "nawhichlo@yahoo.com" e-mail account to the e-mail account of a coconspirator, in which he forwarded the names, addresses, telephone numbers, and credit card numbers, with expiration dates and three-digit security codes, of two individuals residing in Florida.

k. On or about May 7, 2004, KALONJI sent an e-mail, from his "jikalon@yahoo.com" e-mail account to the e-mail account of a coconspirator, in which he forwarded the names, addresses, telephone numbers, and credit card numbers, with expiration dates and three-digit security codes, of approximately 40 individual victims.

l. On or about May 29, 2004, a coconspirator not named as a defendant herein sent an e-mail to another coconspirator not named as a defendant herein in which the sender included approximately 18 credit card numbers, some of which were accompanied by four-digit expiration dates and three-digit security codes.

m. In or about June 2004, a coconspirator not named as a defendant herein used one of the stolen credit card numbers to purchase airline tickets for round-trip travel from Lagos, Nigeria, to John F. Kennedy International Airport in New York.

n. On or about July 28, 2004, a coconspirator not named as a defendant herein ordered telephone cards over the Internet from a company located in Manhattan using credit card information that the coconspirator had received from KALONJI.

(Title 18, United States Code, Section 1349.)

FORFEITURE ALLEGATION

10. As the result of committing the wire fraud and bank fraud conspiracy, in violation of Title 18, United States Code, Section 1349, as alleged in Count One of this Indictment, PATRICK KALONJI, a/k/a "Patrick Kalonji Ngoyi," a/k/a "Patrick Mazimpaka," a/k/a "jikalon@yahoo.com," a/k/a "nawhichlo@yahoo.com," the defendant, shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission the offense, including, but not limited to, a sum of money equal to at least \$30,000 in United States currency, representing the amount of proceeds obtained as a result of the offense of conspiracy.

Substitute Asset Provision

11. If any of the above-described forfeitable property, as a result of any act or omission of the defendant, PATRICK KALONJI, a/k/a "Patrick Kalonji Ngoyi," a/k/a "Patrick Mazimpaka," a/k/a "jikalon@yahoo.com," a/k/a "nawhichlo@yahoo.com":

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third person;

(c) has been placed beyond the jurisdiction of the

Court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C.


§ 853(p), to seek forfeiture of any other property of said

defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981, Title 28, United States Code, Section 2461, and Title 18, United States Code, Sections 1343, 1344 and 1349).



FOREPERSON



MICHAEL J. GARCIA
United States Attorney

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Defendant.

INDICTMENT

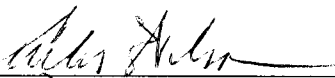
07 Cr. ____

(Title 18, United States Code, Sections
1349, 1343 & 1344)

MICHAEL J. GARCIA

United States Attorney.

A TRUE BILL



Deputy Foreperson.

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indictment filed

M J Gonsky